

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : COLE, David J. et al.  
Serial No. : To be assigned  
Filed : 16 September 1998  
For : NEW PLANT GENE

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**PRELIMINARY AMENDMENT**

Assistant Commissioner of Patent  
Box PCT  
Washington, D.C., 20231

Sir or Madam:

Prior to examination of the above-identified application, please amend the claims as follows:

**IN THE CLAIMS:**

Please cancel claims ~~6, 24, 28, 33, and 45-63~~ without prejudice.

Claim 3, Line 1: please delete "or 2".

Claim 4, Line 1: please delete "any one of the preceding claims" and substitute therefor --claim 1--.

Claim 7, Line 2: please delete "or 6".

Claim 8, Lines 1-2: please delete "any one of claims 1 to 4" and substitute therefor --claim 1--.

Claim 10, Line 1-2: please delete "any one of claims 1 to 4 or a chimeric gene according to claim 8 or 9".

Claim 12, Line 1: please delete "or 11".

Claim 14, Line 2: please delete "or 9".

Claim 15, Lines 1-2: please delete ", wherein the chimeric gene is a chimeric gene according to claim 9".